Calendar No. 723

98TH CONGRESS
2d Session

SENATE

REPORT
98–367

WILLOW CREEK WINTER STOCK WATER, IDAHO

MARCH 22 (legislative day, MARCH 19), 1984.—Ordered to be printed

Mr. MCCLURE, from the Committee on Energy and Natural Resources, submitted the following

REPORT

[To accompany S. 483]

The Committee on Energy and Natural Resources, to which was referred the bill (S. 483) to provide for the relief of water users deprived of winter stock water on Willow Creek, Idaho, below the Ririe Dam and Reservoir, having considered the same, reports favorably thereon with an amendment to the text and recommends that the bill, as amended, do pass.

The amendment is as follows:

Page 4, line 4, following the word "appropriated" insert "beginning October 1, 1984,".

PURPOSE

As ordered reported, S. 483 would authorize the appropriation beginning October 1, 1984, of $300,000 for the relief of water users deprived of winter stock water on Willow Creek as a result of the operation by the Department of the Interior's Bureau of Reclamation of Ririe Dam and Reservoir in Idaho.

BACKGROUND

Ririe Dam was constructed by the Corps of Engineers on Willow Creek (a tributary of the Snake River) approximately 30 miles northeast of Idaho Falls, Idaho, to provide flood control, irrigation storage, and recreation. The structure was completed in 1977 and is operated and maintained by the Bureau of Reclamation. The reservoir has a surface area of 1,500 acres and provides joint irrigation and flood control storage of 80,000 acre-feet of water. In order to prevent ice buildup in the floodway and channel downstream from the reservoir, no releases are made during the cold winter months. This deprives landowners adjacent to Willow Creek for a water source for their livestock during winter months.

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S. 483 authorizes the appropriation of $300,000 to be used to pay landowners along Willow Creek for the development of alternate water supplies. Under the terms of the bill, a claimant has 1 year from the date of enactment to notify the Secretary of the Interior of a claim pursuant to the act. Such a claim may be for actual construction costs incurred by the claimant in the development of the alternate water supply or for an amount equal to the funds necessary for such development as determined by the Secretary. The Secretary may pay such a claim only if the claimant executes a waiver and release of any and all claims against the United States relating to the loss of winter stock water from Willow Creek.

LEGISLATIVE HISTORY

S. 483 was introduced on February 15, 1983, by Senators McClure and Symms. A hearing before the Subcommittee on Water and Power was held on September 15, 1983.

COMMITTEE RECOMMENDATION AND TABULATION OF VOTES

The Senate Committee on Energy and Natural Resources, in an open business session on March 20, 1984, by a majority vote of a quorum present recommended that the Senate pass S. 483, if amended as described herein.

The rollcall vote on reporting the measure was 15 yeas and 2 nays.

YEAS	NAYS
Mr. McClure	Mr. Metzenbaum [1]
Mr. Hatfield	Mr. Bradley
Mr. Weicker [1]	
Mr. Domenici	
Mr. Wallop	
Mr. Warner	
Mr. Murkowski	
Mr. Nickles	
Mr. Hecht	
Mr. Chafee	
Mr. Heinz [1]	
Mr. Johnston	
Mr. Ford	
Mr. Matsunaga [1]	
Mr. Melcher [1]	

[1] Indicates voted by proxy.

COMMITTEE AMENDMENT

The committee amendment provides for an effective date for the authorization of appropriations of October 1, 1984. As originally introduced, S. 483 did not contain such a proviso. The committee does not anticipate that expenditures pursuant to S. 483 will be needed prior to fiscal year 1985 and inclusion of the committee amendment negates the requirement for consideration of a budget waiver.

COST AND BUDGETARY CONSIDERATIONS

The following estimate of costs of this measure has been provided by the Congressional Budget Office:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, D.C., March 21, 1984.

Hon. JAMES A. MCCLURE,
Chairman, Committee on Energy and Natural Resources, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the attached cost estimate for S. 483, the Willow Creek Winter Stock Water Supply Act.

If you wish further details on this estimate, we will be pleased to provide them.

Sincerely,

ERIC A. HANUSHEK
(For Rudolph G. Penner).

CONGRESSIONAL BUDGET OFFICE—COST ESTIMATE

MARCH 21, 1984.

1. Bill number: S. 483.
2. Bill title: Willow Creek Winter Stock Water Supply Act.
3. Bill status: As ordered reported by the Senate Committee on Energy and Natural Resources, March 20, 1984.
4. Bill purpose: The bill provides for the relief of certain water users deprived of winter stock water from Willow Creek, Idaho, because the Bureau of Reclamation does not release water from the Ririe Dam and Reservoir during winter months. Claimants must file for compensation within 1 year after enactment of this bill and are eligible for reimbursement of actual construction costs incurred in the development of an alternative water supply. Claimants must prove use of winter stock water from Willow Creek prior to December 31, 1979, and must file a waiver and release of claims against the United States.
5. Estimated cost to the Federal Government:

	Millions
Authorization level:	
Fiscal year:	
1984	----
1985	$0.3
1986	----
1987	----
1988	----
Estimated outlays:	
Fiscal year:	
1984	----
1985	.2
1986	.1
1987	----
1988	----

The costs of this bill fall within budget function 300.

Basis of estimate: The authorization level is that stated in the bill. Assuming enactment of S. 483 by mid-1984, claims would have to be filed by mid-1985. Outlays are estimated assuming that most claims would be filed and paid in fiscal year 1985.

6. Estimated cost to State and local governments: None.
7. Estimate comparison: None.
8. Previous CBO estimate: None.
9. Estimate prepared by: Mary Ann Curtin (226–2860).
10. Estimate approved by:

C. G. NUCKOLS
(for James L. Blum,
Assistant Director for Budget Analysis).

REGULATORY IMPACT EVALUATION

In compliance with paragraph 11(b) of rule XXVI of the Standing Rules of the Senate, the committee makes the following evaluation of the regulatory impact which would be incurred in carrying out S. 483 as reported.

The bill is not a regulatory measure in the sense of imposing Government-established standards or significant economic responsibilities on private individuals or businesses. Other than the information required of a claimant pursuant to section 4 of the measure, there would be no impact on personal privacy. Little paperwork would result from enactment of S. 483 other than that which would be as a result of the filing of claims and making of payments as authorized in the measure.

EXECUTIVE COMMUNICATIONS

On June 16, 1983, the committee requested legislative reports on S. 483 from the Department of the Interior and the Office of Management and Budget. The legislative reports have not yet been received.

CHANGES IN EXISTING LAW

In compliance with paragraph 12 of rule XXVI of the Standing Rules of the Senate, the committee notes that no changes in existing law would be made by the bill, S. 483 as reported.

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